

**REMARKS**

Claims 1 to 4, 29, 30, 38 and 39 were elected for examination by the applicants in their response filed February 27, 2006. In the restriction requirement, the Examiner noted that claims 1, 29 and 38 were generic with respect to the Group I claims (1 to 18 and 29 to 50). Claims 5 to 18, 31 to 37 and 40 to 50 have been withdrawn. If claims 1, 29 and 38 are allowed, claims 5 to 18, 31 to 37 and 40 to 50 should also be allowable. Applicant has cancelled claims 19 to 28 and 51 to 57, corresponding to inventions in the non-elected groups, to expedite prosecution and lead to an allowance of the pending claims.

In this amendment, applicants have added new claims 58 to 65. These new claims have been drafted to be similar to elected claims 1 to 4. These claims have been added in response to recent rulings by the Federal Circuit regarding the territorial scope of method claims. These claims are not intended to be patentably distinct from claims 1 to 4 but rather have been drafted to better deal with a situation where some portion of a system is operated outside of the United States. The Examiner is requested to consider these claims along with claims 1 to 4.

In addition, applicant has amended claims 16 to 18, 29, 32, 38 and 41 to change the term "cost estimate" to the term "price quote" which is believed to more accurately describe the subject system. Support for this amendment can be found beginning on page 19, line 22 and Figure 14 which is the "price quote" screen. It should be noted that while claims 16 to 18, 32 and 41 are believed to be withdrawn, they have been amended for consistency and to expedite prosecution.

As recited in the pending claims, the subject invention relates to system which allows a customer to obtain professional editing of their digital photographs in a simple and low cost manner. Applicants have commercialized the concepts described in the subject application. The Examiner is invited to view Applicants' consumer oriented website at [www.image-edit.com](http://www.image-edit.com) to better appreciate some the concepts discussed herein.

In the claimed system, the customer transmits a digital image to be edited along with instructions for modification of the image to the provider. The provider receives these instructions and sends the image and instructions to a selected image editor. The editor makes the modifications requested by the customer. The modified image is then made available to the

customer. In the preferred embodiment, the transmission of the image to the provider and then on to the editor is carried out over the internet.

In the Office Action, the Examiner rejected claims 1 to 3, 29, 30, 38 and 39 as being unpatentable over Dean (6,023,762). As best illustrated in Figure 2 of Dean, Dean discloses a system for controlling access to information in a user database. Outside callers are given access to the database using a security code. Different callers having different levels of security will have access to different portions of the database.

In the Office Action, the Examiner stated that Dean provides a method where customers require modification of a digital image and discloses the step of transferring the image with instructions to a provider. Applicants can find nothing in Dean which even remotely supports the Examiner's assertion. The word "image" does not appear anywhere in the Dean patent. Certainly, there is nothing in Dean related to editing or modifying an image. Dean is simply a system for controlling access to a database. Its teachings are completely unrelated to the claimed invention. Therefore, it is not surprising that Dean, as the Examiner acknowledges, makes no mention of digital image editors since there are no images to edit. For these reasons, the rejection of claims 1 to 3, 29, 30, 38 and 39 must be withdrawn.

In the Office Action, the Examiner rejected claim 4 as being obvious based on the patent to Dean in view of the patent to Hansen (5,974,398). The patent to Hansen was cited for its disclosure of a bidding process. Hansen relates to a system for allowing viewers to access information or entertainment services. In Hansen, viewers are offered the chance to view programming information if they are also willing to view advertising. The advertisers bid for the eyes of the customer by offering dollar amounts to customer. If the customer agrees to view the advertising, they are paid an amount equal to the bid. Other than the fact that Hansen discusses bidding, it is totally unrelated to the invention being claimed herein which relates to the editing of digital images. Accordingly, the patent to Hansen must fail to overcome the deficiencies of Dean in anticipating or rendering obvious the pending claims.

In view of the above, it is respectfully submitted that the independent claims pending in this application define patentable subject matter and allowance thereof, along with the claims depending therefrom (including the withdrawn claims) is respectfully solicited.

Respectfully submitted,

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Dated: July 31, 2006

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